

From: [Hunter Palmer](#)
To: ["Amy Walters"](#)
Cc: CCE-Service@bcpc-law.com
Subject: RE: August 18 Letter regarding disclosure of Apple/CCE Agreement
Date: Monday, September 14, 2020 11:08:30 AM

Amy,

My apologies if my previous email seemed as though I was disregarding some of your questions. I believed they were all related as alternative actions and were resolved by the new OAEO designation. I'll address the points from your email in order:

- CCE will be the designating party and agrees that it will not provide written consent to disclose the agreement to any in-house counsel without Apple's consent.
- We do not believe that the Agreement requires CCE to provide Apple with the names of experts. As such, CCE does not agree to do so. However, if you disagree, please identify the relevant portions of the Agreement for CCE's consideration.
- Likewise, we do not believe that that the Agreement requires CCE to provide Apple with additional notice regarding exhibit lists, and do not agree to do so. If you disagree, please identify which terms in the Agreement require such notice, and CCE will happily consider.
- CCE will take reasonable efforts to seal the courtroom should any confidential information be used, including the Agreement. We will also take reasonable efforts to redact any confidential portions of related transcripts.

Given my explanation of the Supplemental Protective Order, please confirm that Apple does not object to CCE producing the Agreement with a confidentiality designation of HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYE ONLY. CCE has satisfied the requirements of [REDACTED] and therefore may produce it. However, as a courtesy, CCE agrees to provide Apple additional time to consider whether it intends to move the Court for additional protections.

Thank you,
Hunter Palmer

BRAGALONE CONROY PC
Hunter Palmer
Direct Dial: 214-785-6683

From: Amy Walters <amy_walters@apple.com>
Sent: Friday, September 11, 2020 12:06 PM
To: Hunter Palmer <hpalmer@bcpc-law.com>
Cc: CCE-Service@bcpc-law.com
Subject: Re: August 18 Letter regarding disclosure of Apple/CCE Agreement

Thanks - I don't understand the "except upon receipt of the prior written consent of the designated party" part of the last paragraph of the PO. Is it saying that AEO material may be disclosed to in house counsel upon consent of the designating party? If that is the case, Apple maintains its objections unless the parties agree that it will not disclose to in house counsel absent Apple's

consent.

In addition, please let me know if CCE agrees to the other three questions in my August 20 email:

- Will CCE agree to provide Apple with the names and materials of any experts disclosed under Section 5(e) of the PO that would have access to the Agreement such that Apple can determine whether it has any objections? Similarly, if experts have already been disclosed that would have access to the Agreement, can you please provide the names and materials for those individuals?
- If the Agreement appears on either party's exhibit list, will CCE agree to let Apple know at the time exhibit lists are first exchanged?
- If the Agreement is used at a hearing or trial, does CCE agree to use reasonable efforts to seal the courtroom and redact any related transcript portions?

Amy Walters
Counsel, IP Litigation
Apple
One Apple Park Way, MS 169-2NYJ
Cupertino, CA 95014, USA
858.354.8280 | amy.walters@apple.com

On Sep 10, 2020, at 11:13 AM, Hunter Palmer <hpalmer@bcpc-law.com> wrote:

Amy,

The supplement to the PO (and the original PO for reference) are attached. The new PO should resolve your concerns, as it limits the agreement to Outside Attorney's Eyes Only. If you have no further concerns, we plan on producing this agreement once all notice requirements have been fulfilled.

Thanks,
Hunter Palmer

BRAGALONE CONROY PC

Hunter Palmer

Direct Dial: 214-785-6683

From: Amy Walters <amy_walters@apple.com>

Sent: Thursday, August 20, 2020 3:22 PM

To: Hunter Palmer <hpalmer@bcpc-law.com>

Subject: Re: August 18 Letter regarding disclosure of Apple/CCE Agreement

Thanks for sending these. It appears that the PO allows in-house counsel to view AEO material, and I note that [REDACTED]

[REDACTED] Apple objects to the production pending responses to the below questions:

- Will CCE and HMD agree to limit disclosure of the Apple/CCE Agreement to outside counsel only such that HMD's in-house counsel can NOT view the agreement?
- Will CCE agree to provide Apple with the names and materials of any experts disclosed under Section 5(e) of the PO that would have access to the Agreement such that Apple can determine whether it has any objections? Similarly, if experts have already been disclosed that would have access to the Agreement, can you please provide the names and materials for those individuals?
- If the Agreement appears on either party's exhibit list, will CCE agree to let Apple know at the time exhibit lists are first exchanged?
- If the Agreement is used at a hearing or trial, does CCE agree to use reasonable efforts to seal the courtroom and redact any related transcript portions?

Amy Walters

Counsel, IP Litigation

Apple

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On Aug 19, 2020, at 11:44 AM, Hunter Palmer <hpalmer@bcpc-law.com>

wrote:

Amy,

Thank you for the response. Attached, please find a copy of the [REDACTED] agreement and the Protective Order that has been entered in the CCE v. HMD litigation. We will be designating the agreement as Highly Confidential – Attorney’s Eyes Only. While I do not believe the agreement requires Apple’s consent, I am hopeful that the PO resolves any concerns you may have. Should you have any concerns regarding the PO, please let me know what time works best for a call.

Thank you,
Hunter

BRAGALONE CONROY PC
Hunter Palmer
Direct Dial: 214-785-6683

From: Amy Walters <amy_walters@apple.com>
Sent: Wednesday, August 19, 2020 1:00 PM
To: Hunter Palmer <hpalmer@bcpc-law.com>
Subject: August 18 Letter regarding disclosure of Apple/CCE Agreement

Hunter,

Apple received your August 18 letter regarding the disclosure of the Apple/CCE [REDACTED] and it has been directed to me for a response. Apple objects to the disclosure pending a further understanding of the confidentiality protections in place. Please send me the protective order for this case as well as the [REDACTED] itself.

Thanks,
Amy

Amy Walters
Counsel, IP Litigation
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[REDACTED] <31 - Protective Order.pdf>

<31 - Protective Order.pdf><35 - Stipulated Supplemental Protective Order.pdf>